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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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9 JOHN MILLER,
10 Petitioner,
11 vs.
12 A. COX, et al.,
13 Respondents.
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Case No. 3:08-CV-00599-HDM- (RAM)

ORDER

15 The Court ordered (#3) Petitioner to file an application
16 to proceed in forma pauperis or to pay the filing fee. Petitioner
17 has not complied within the allotted time.

18 IT IS THEREFORE ORDERED that this action is **DISMISSED**
19 without prejudice for Petitioner's failure to comply with the
20 Court's Order (#3). The Clerk of the Court shall enter judgment
21 accordingly.

22 DATED: January 6, 2009.

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HOWARD D. MCKIBBEN
26 United States District Judge
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